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असाधारण

EXTRAORDINARY

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PART II — Section 1

प्राधिकार से प्रकाशित

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 24th March, 2003/Chaitra 3, 1925 (Saka)

The following Act of Parliament received the assent of the President on the 22nd March, 2003, and is hereby published for general information:—

THE ELECTION LAWS (AMENDMENT) ACT, 2003

No. 24 of 2003

[22nd March, 2003.]

An Act further to amend the Representation of the People Act, 1951 and the Indian Penal Code.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Election Laws (Amendment) Act, 2003.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and com-
mencement.

CHAPTER II

AMENDMENT TO THE REPRESENTATION OF THE PEOPLE ACT, 1951

Amendment
of section 59.

2. In the Representation of the People Act, 1951 (hereafter in this Chapter referred to as the principal Act), in section 59, for the words", and no votes shall be received by proxy", the words "and, save as expressly provided by this Act, no votes shall be received by proxy" shall be substituted. 43 of 1951.

Substitution of
new section
for section 60.

3. For section 60 of the principal Act, the following section shall be substituted, namely:—

Special
procedure for
voting by
certain classes
of persons.

"60. Without prejudice to the generality of the provisions contained in section 59, provision may be made, by rules made under this Act, for enabling—

(a) any of the persons as is referred to in clause (a) or clause (b) of sub-section (8) of section 20 of the Representation of the People Act, 1950 (hereafter in this section referred to as the 1950-Act) to give his vote either in person or by postal ballot or by proxy, and not in any other manner, at an election in a constituency where poll is taken; 43 of 1950.

(b) any of the following persons to give his vote either in person or by postal ballot, and not in any other manner, at an election in a constituency where a poll is taken, namely:—

(i) any person as is referred to in clause (c) or clause (d) of sub-section (8) of section 20 of the 1950-Act;

(ii) the wife of any such person to whom the provisions of sub-section (3) of section 20 of the 1950-Act apply and such wife being ordinarily residing with that person in terms of sub-section (6) of that section;

(c) any person belonging to a class of persons notified by the Election Commission in consultation with the Government to give his vote by postal ballot and not in any other manner, at an election in a constituency where a poll is taken subject to the fulfilment of such requirements as may be specified in those rules;

(d) any person subjected to preventive detention under any law for the time being in force to give his vote by postal ballot, and not in any other manner, at an election in a constituency where a poll is taken, subject to the fulfilment of such requirements as may be specified in those rules."

Amendment of
section 62.

4. In section 62 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely:—

"(6) Nothing contained in sub-sections (3) and (4) shall apply to a person who has been authorised to vote as proxy for an elector under this Act in so far as he votes as a proxy for such elector."

CHAPTER III

AMENDMENT TO THE INDIAN PENAL CODE

Amendment
of section
171D.

5. In section 171D of the Indian Penal Code, the following proviso shall be inserted at the end, namely:— 45 of 1860.

"Provided that nothing in this section shall apply to a person who has been authorised to vote as proxy for an elector under any law for the time being in force in so far as he votes as a proxy for such elector."

SUBHASH C. JAIN,
Secy. to the Govt. of India.

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